

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN T. SANDERS,

Plaintiff,

VS.

CUYAHOGA COUNTY, OHIO, *et al.*

Defendants.

CASE NO.:

JUDGE:

NOTICE OF REMOVAL

Defendants Cuyahoga County, Armond Budish, David G. Schilling, Shane Alex Pellom, Bruce Lourie, and Juan Rodriguez, Jr. (collectively the “Defendants”) seek removal of this action pursuant to 28 U.S.C. § 1441 *et seq.* and state as follows:

1. On May 29, 2021, Plaintiff John T. Sanders commenced a civil action against the Defendants in the Cuyahoga County Court of Common Pleas, Case No. CV 21-948190. A copy of the Complaint is attached as Exhibit A.

2. Plaintiff alleges that the County Defendants violated various rights arising under the United States Constitution and federal statutory law. See, generally Plaintiff's Complaint, ¶¶4, 16, 18, 61, 74, and 79. Plaintiff appears to allege his First, Fourth, and Fourteenth Amendment Rights under the United States Constitution were violated. Furthermore, in his Prayer for Relief seeks a declaration that: "Defendants' acts and conduct constitute violations of the Fourteenth

Amendment to the United States Constitution, as well as of 42 U.S.C. § 1983 and state law.”
Plaintiff’s Complaint, Prayer for Relief (subpart A).

3. Each of the allegations and claims for relief identified in the preceding paragraph “aris(es) under the Constitution, law or treaties of the United States” within the meaning of 28 U.S.C. § 1331.

4. In addition, or in the alternative to the federal claims appearing on the face of Plaintiff’s Complaint, this action necessarily and actually raises substantial federal questions sufficient to support federal jurisdiction.

5. This Court possesses original jurisdiction over the federal claims in this civil action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3). The remaining state-law claims are joined to this single action and are removable, at minimum, pursuant to 28 U.S.C. § 1441(c). In the alternative, this Court possesses supplemental jurisdiction over some of Plaintiff’s state-law claims pursuant to 28 U.S.C. § 1337.

6. All Defendants in this action consent to the removal of this action from the Cuyahoga County Court of Common Pleas to this Court.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of the earliest County Defendants’ receipt of the Summons and Complaint.

8. In accordance with 28 U.S.C. § 1446(d), Defendants will give notice to the Cuyahoga County Court of Common Pleas of this Court’s jurisdiction over the state court’s case number CV-21-948190, promptly after filing this Notice of Removal. In accordance with 28 U.S.C. § 1446(d), Defendants will provide prompt written notice to Plaintiff of the filing of this Notice of Removal.

9. In accordance with 28 U.S.C. § 1446(a), the following documents from the state court are attached as exhibits to this Notice of Removal:

- Exhibit A: Plaintiff's Complaint;
- Exhibit B: Summons issued to Cuyahoga County;
- Exhibit C: Return of Service - Cuyahoga County;
- Exhibit D: Summons issued to Armond Budish;
- Exhibit E: Return of Service - Armond Budish;
- Exhibit F: Summons issued to David Schilling, Jr.;
- Exhibit G: Return of Service - David Schilling, Jr.;
- Exhibit H: Summons issued to Shane Alex Pellom;
- Exhibit I: Return of Service – Shane Alex Pellom;
- Exhibit J: Summons issued to Bruce Lourie;
- Exhibit K: Return of Service – Bruce Lourie;
- Exhibit L: Summons issued to Juan Rodriguez, Jr.;
- Exhibit M: Return of Service – Juan Rodriguez, Jr.; and
- Exhibit N: Cuyahoga County docket entries as of June 28, 2021.

Defendants respectfully request that this Notice effect the removal of the above-captioned case to this Court.

Respectfully submitted,

MICHAEL C. O'MALLEY, Prosecuting Attorney
of Cuyahoga County, Ohio

By: /s/ Brendan D. Healy
Brendan D. Healy (0081225)
bhealy@prosecutor.cuyahogacounty.us
Phone: (216) 698-6447
Michael J. Stewart (0082257)

mjstewart@prosecutor.cuyahogacounty.us
Phone: (216) 443-6673
CUYAHOGA COUNTY PROSECUTOR'S OFFICE
The Justice Center, Courts Tower
1200 Ontario Street, 8th Floor
Cleveland, OH 44113
Fax: (216) 443-7602

*Attorneys for Defendants Cuyahoga County,
Armond Budish, David G. Schilling, Jr., Shane
Alex Pellom, Bruce Lourie, Juan Rodriguez, Jr.*

CERTIFICATE OF SERVICE

I certify that on June 28, 2021, a copy of the foregoing *Notice of Filing Notice of Removal* was filed with the Court's electronic filing system, and that I caused the foregoing *Notice of Filing Notice of Removal* to be served via email to the following:

Subodh Chandra
Donald P. Screen
Patrick Haney
The Chandra Law Building
1265 W. 6th St., Ste. 400
Cleveland, Ohio 44113
216.578.1700 Phone
216.578.1800 Fax
Subodh.Chandra@ChandraLaw.com
Donald.Screen@ChandraLaw.com
Patrick.Haney@ChandraLaw.com

Dennis E. Murray, Jr.
Murray & Murray Co., L.P.A.
111 East Shoreline Drive
Sandusky, Ohio 44870
(419) 624-3126
dmj@murrayandmurray.com

Attorneys for Plaintiff John T. Sanders

/s/ Brendan D. Healy
Brendan D. Healy (0081225)
*Attorney for Defendants Cuyahoga County,
Armond Budish, David G. Schilling, Jr.,*

*Shane Alex Pellom, Bruce Lourie, Juan
Rodriguez, Jr.*